567 part of the emperor's harem. The dapobi belonging to the canton chiefs, belonging to the kombemba, are of the same origin. While the Mogho Naba could not sell the dapobi of Kibissi origin, the emperor and the canton chiefs could do as they liked with the true dapobi. They were sold for the most trifling faults and their wives and children were either sent away with them or turned over to other deserving captives.

Slaves of the Crown. (a) The bangaré. These are Peulh captives who have gradually cast off the authority of their masters and who have submitted voluntarily to the authority of the Mogho Naba.

A herd of cattle is called nab'bangaré, and it seems likely that the word bangaré, "herd," to designate this type of slave came from that source. However, the bangaré are not solely former Peulh slaves since a free individual who has committed a serious crime in his [90] native village and fears reprisal comes to join the "herd."

Once presented to the Mogho Naba, they were henceforth considered slaves and, as such, immune from prosecution.

567 621 The principal bangaré villages, generally known as "independent villages," are: Kaïbo (province of Gounga); Manghin, Zaanga (canton of Zorgongo); Zaon'pighin, Payaobtinga (canton of Boudry); Nabasnoghin (canton of Nedogo); Bangar'Nabilin (canton of Zorgo); Gandaogo (canton of Zoungou); Boumintoré, Sidtenga, Mandié, Bougoumbarga, etc.

567 681 The emperor could supply himself from these "herds" whenever the need arose. Any bangaré who had committed serious crimes or who had been denounced as dangerous individuals who spread disorder in the villages or committed robbery were castrated and made into eunuchs or sold by order of the emperor.

582 The bangaré intermarry since no free Mossi father would give them a daughter in marriage. This is solely due to the fact that if the emperor decided to sell a bangaré, his family would share the same fate. The father of the wife would not intervene in such a case, because this might be dangerous for him. So it is easily understandable that, under these circumstances, no father would seek such a match.

567 622 Bangaré chiefs. The chiefs of bangaré villages [91] are appointed by the Mogho Naba. The villages themselves are free of any

567 them for kola nuts with the Açhanti [Ashanti] or for loaves of salt
439 at Timbuktu. Although they were always transported by roundabout routes to prevent them from finding their way back to their homes, still some of them always managed to escape.

492 The naba used the young yemdado as soroné or grooms, and
567 they would often [93] take the young and attractive women (yempoksé) as wives.

641 The sale of free men. Neither the emperor of the Mossi nor
● 681 his vassals sold their subjects. Individuals who were regarded as dangerous were simply put to death unless they took refuge in a bangaré to avoid being executed, as has been noted above. Some were sent to the emperor to be made into eunuchs.

304 The facial tattoos worn by the Mossi clearly distinguished them
567 from neighboring peoples. However, if by accident or because of
689 need a naba sold a free man and the latter was claimed by his relatives, the chief was required to buy back the slave or to indemnify his family. We have described above how a canton chief was exiled by the emperor for having sold free Mossi.

583 Concealed selling of women and children. In the chapter on
562 marriage customs among the Mossi we shall show that a native
567 Moaga did not demand a bride price because he did not want to feel that he was selling his daughter. There is no doubt that this rule has exceptions. Indeed, we shall show that the failure to pay a debt, a bout of drunkenness, or a favor received might suffice to mortgage the future of a daughter, even though at the time she might be a small child and quite unaware of her fate. In any event, there would be no question of her expressing any opinion, since her wishes are never taken into account. During periods of famine -- which have been
[731] occurring almost [94] regularly for some years -- a small basket of millet is enough to make a father promise his daughter. In the same way, we regret to say, a great many girls are promised in exchange for trifling sums at the time the poll tax is paid.

567 Rights of slaves. Since he is regarded as an inferior being, the yemdaogo (slave) has no well-defined rights. He is required to perform all kinds of domestic work and must give unquestioning obedience to his master and the master's family. Besides his essential duties, however, he is permitted to do some farming for himself, practice some trade, or to raise cattle, with the proceeds constituting

644 354 576 [101] It is to be noted that a gourdful of this water with millet flour on which a bit of karite butter is floating is a customary courtesy offering among the Mossi. It is most improper to greet or to receive a stranger by offering him plain water.

644 782 On the fourth or fifth day the Djiba Naba proceeds to Zoanghna (a village located two or three kilometers behind the government buildings) and there hands over a sheep and a cow to serve as offerings to the sacred amulets of the ancestors and to protect him from evil spirits and wicked people. He does not spend the night in this village but returns home immediately after the sacrifice.

644 788 Several days later the decision is made to install the new naba in his domain. A large number of soroné, drummers, and followers accompany him on what amounts to a kind of obligatory pilgrimage which we shall describe briefly.

The following itinerary is customary.

First, the Djiba Naba goes to Badnogo where he spends the night. The next day he goes on to Samba where he is offered water with flour in it, and for his part, he gives salt to be shared among the old women of the village.

One may ask why salt is given to the old women and not to the other people. The Mossi call old women nough' pouk ramba, [888] that is, those who, when blessing you, clasp their hands so as to make a higher power hear and grant their prayers.

644 788 431 [102] On the following day he proceeds to Tensobitenga where he remains for three days. Beer is prepared for him; he is given a cow for his followers and a wife for himself. At Nakamtenga, his next stop, the village chief welcomes him with a sheep and many baskets and bowls of sagbo (millet mush).

644 788 He does not remain here for the night but instead goes on to Koubri. This is the village where eunuchs formerly suffered the cruel operation of castration (1). The canton chief meets him, leads

839 304 ● 681 1. Eunuchs. Bandits, thieves, murderers, and slaves or soroné (servitors) convicted of adultery with women of the nobility were the only ones sent to Koubri, a canton in the circle of Ouagadougou, to be castrated. This operation involved only the removal

839
304
681

of the testicles, until the day when a eunuch managed, no one knows how, to take advantage of some of the women he was supposed to be guarding. From then on it was deemed necessary to remove the penis completely, and a copper cartridge was inserted for purposes of urination.

839
304
752

As soon as the person fainted after undergoing the operation, a drink was concocted whose ingredients are unknown. When he revived, he was so thirsty that he downed the drink in a single gulp. It is said that the drug stupefied the eunuch to such a degree that he would be incapable of taking vengeance even if he had any weapons at hand.

839
644

It was only after he had completely recovered that the victim was sent to the Mogho Naba. The latter assigned him the duty of guarding a harem or a royal tomb.

644
788

him to his house, seats him by his side, and announces to the populace that he has just been visited by his son (Koubri Naba is a descendant of the Mogho Naba).

644
788
431

He then offers the crown prince a cow and a great deal of [103] beer, and then, before he leaves, the Djiba Naba has free access to the chief's household where he takes as a wife the first nubile girl he encounters. The stay at Koubri traditionally lasted for seven days, but it could be shortened to two or three in view of the great expense involved in entertaining a prince of such high rank, especially at the present time when the canton chiefs no longer enjoy their former prestige.

The Djiba Naba continues on his way to Kombissiri where he is the guest of the canton chief. For a week, in addition to his food which must, of course, be copious and abundant quantities of beer, the crown prince also receives a cow, a sheep, and, before his departure for Doulougou, a wife.

[i.e. canton chief — Analyst]

695 The procedure was the same for all, men and women. The sons
681 of nabas, the nakomsé, however, were neither tried nor punished in
554 public. They were not tied with ropes, but with strips of fabric; and if condemned to death, they were hanged rather than clubbed to death. In any case, complaints against them were extremely rare. The sons of a powerful naba could do anything with impunity.

681 For examples, here are a few crimes and their respective punishments. Of course, there was no written code, no formal scale of penalties. Everything depended on custom and on the whim of the
696 judge. Thus, the wealthy could obtain sentences in their favor by
691 paying the judges, and thieves could avoid punishment by sharing their loot with the naba. Otherwise, a thief caught in the act was
685 flogged, sometimes to death. He was condemned to several months in irons, and exposed to public ridicule before the naba's hut; he had to restore what he had taken, and his family was held responsible. If he repeated the offense, he was led to the marketplace with a rope around his neck; he was supplied with an abundance of meat and dolo /beer/, and then clubbed to death at the foot of a tree. In Ouagadougou he was sometimes made a eunuch instead. This was almost the equivalent of a death sentence, because the operation was carried out in such barbarous fashion that death often ensued. French justice more leniently imprisons the thieves, a cause of complaint by honest people who find the punishment too mild.

682 In case of willful murder, the killer was put to death; if he could
683 not be found, a member of his family was executed in his place.
672 In case of a brawl, no attempt was made to determine who had started the fight or who was in the right. (Manslaughter was punished by a fine paid to the victim's family. The right /26/ of self-defense was, of course, recognized. If blows and wounds had been inflicted, the adversaries were put in irons.)

681 Old women were often accused of being witches and of eating
683 children's souls. If their crime was considered proved, if the sorcerers
888 consulted declared some old woman guilty of a baby's death, she was put to death in very cruel fashion: a second opening was made in a clay pot so that her head could be put completely within it; then the pot was heated intensely and placed over the head of the unfortunate woman.

685 If a goat or sheep caused damage to a field, the animal could be killed on the spot. The owner had to be notified, but he was not

596 heir but to the oldest member of the family. Nothing is done without consulting the family head, and even if a member of the family occupies an important post, he continues to show the greatest deference toward his family head, his elder. This is why the present prime minister of Koupéla, the Saman'Naba, leaves the prerogatives of a family head to his uncle; he does not take the liberty of offering sacrifices on the Day of the Dead, and he consults his elder on all
596 matters which fall within his jurisdiction. The head of the family,
681 however, does not have the right of life or death over its members or over his own wives. Even if the latter steal or commit adultery, they may not be put to death; only the district chiefs may kill their own wives. A husband or family elder may beat them, put them in irons, or even more rarely /35/ turn them out of the household, but he may not kill them. Also, the family head may not dispose of the family property, nor force his kin to hand it over. He may, however, request his relatives to help him pay his debts or obtain a wife, but he may not force them to do so. Nevertheless, they always help him as best they can.

593 Children are directly subject to their father. While the latter
596 consults the family head whenever he must make a serious decision, the children consult their father, who in turn goes to the family head, who often goes to the village chief, who resorts to the canton chief, who consults the head of the province if the matter warrants it. Mature reflection thus precedes every serious decision.

593 The father is the absolute master of his children. He has the right of life or death over them, and sometimes he made use of this right, especially when a child was born deformed or became an incorrigible thief. He sees to the marriage of his daughters. He may exchange them for other women, or he may give them in marriage to a creditor in order to pay his debts. He may place his sons in the service of a relative or friend. The eldest son seldom remains in his father's household, especially if the father is wealthy or a naba; the father is too afraid that his son may do away with him, the sooner to come into his inheritance. To give one's son to another man is a convenient way to get rid of the problem of his marriage; it will become the concern of the boy's master.

861 Fathers take little part in the education of their children. Daughters always remain with their mothers until their marriage. Sons help their father as soon as they are old enough to work, but they never

4: Skinner E-5 (1955-1957) 1957
FA28 Mossi FA28



635 The Ouidi-naba answered: "Naba, you may do as you desire." The ruler
631 then said, "Under these conditions I will designate the eldest son of the late chief as the new Kombéré because his father has never forgotten me, or gave me any trouble when he was alive. It will not be good to reject his son." The ministers then called the heir and put the following question to him three times: "Before his death, did your father designate anyone to replace him as chief?" The heir replied three times: "No! My father did not designate anyone. You may name anyone you wish; even if he is
[778] a blind man or a leper." The heir was then given a bonnet, the symbol of the *nam*, and made to swear on drinking the Tibo, a ritual potion, that if he ever betrayed the ruler, may the Tibo kill him. Thereafter, all the members of the new chief's lineage swore to respect and obey him.

635 The power and function of the Kombéré were similar to those of the
631 Moro-naba, but on a much reduced scale. As the person who had received
578 the *nam* from the Moro-naba, he was supreme in his district, subject only to his obligation to the head ruler. These obligations included the customary gifts and aid in warfare. There is some evidence that many of the Kombérés were lax in paying this tribute and rendering homage to the Moro-naba and consequently were punished or killed. Naba Warga fought a five-year-long civil war against a rebellious vassal before the rebel was killed, and Naba Wobogo was engaged in a three-year civil war with one of his vassals when the French arrived in the country. It is not clear whether the Moro-naba was able to prevent or stop war between his vassals over strayed cattle or stolen women. The Mossi in the district of Nobéré said that the Moro-naba did not often know when neighboring villages were at war. These wars did not involve the loss of territories by the districts, since it was ritually forbidden for one district chief to take lands from another.

631 The district chiefs had ministers who helped them administer the districts. These ministers were descendants of the sons of the Moro-naba's ministers who accompanied the first district chief when he took up his fief. They had control of several villages and they channeled goods and services from the villages to the district heads. The hierarchy of command was also strictly observed on this level, and a village chief who had disputes with other village chiefs, or who had important cases to be judged, was required always to be accompanied by his minister when he
[681 visited the district chief. This official could put any man into stocks for
565] serious crimes, but he could authorize the death only of commoners. It must be pointed out, however, that in many cases the district chief usurped the rights of the Moro-naba, and had a troublesome noble secretly strangled. The district chief, like the Moro-naba, could not be deposed; he was often forced to commit suicide or met death by foul play or in open civil war. The people in the district reacted to an unjust ruler by leaving his territories.

The village chiefs held their fiefs directly from the district chiefs, and

681 As far as penalties were concerned, Mossi justice was stern and thus ran counter to the "patriarchal" justice of the Bobo, Gourounsi, etc. Murder was always punished by death (except in the case of nobles). As for thefts, physical aggression, and matters involving debts, they were adjusted in the manner described when we discussed the Yarsé, who were subject to Mossi justice since they were settled in their territory /not translated/.

[754] We shall not, therefore, go over this again. Let us merely note that the Mossi, being fetishists, were familiar with matters of sorcery.

695 754 At Dembo, in the Yatenga area, when a young person died suddenly, "red powder" would be mixed in water and everyone would drink of it while swearing by Tensé /Tr.: the earth deities/ that he was innocent. The culprits would die. In other villages of the Yatenga area, people suspected of dealing in sorcery had to drink earth taken from the spot where sacrifices were performed and diluted in water. Those /581/ who refused to drink and swear were killed. At Kabayoro, a Mossi village located in the canton of Koumbili, if a man or woman suddenly ill, it was said that it was So-and-So, a sorcerer, who had eaten the soul. If the sick person died, his hands were washed with water and the liquid was given to the sorcerer to drink. He had to swear his innocence and invoke death unto himself if he should lie. If guilty he died; if innocent the water did him no harm. If he refused to swear and drink, he was put in irons and left there to die of hunger and thirst. The bara /soothsayer/ played no role in such occurrences. It was the sick person who pointed out the sorcerer. If the patient failed to desig-

[76] nate someone, however, this meant that he was simply dying of illness.

701 Now for the army and police. "In case of war," says Moulins, "the province chiefs summoned the canton chiefs, who hastened forth with all their able-bodied men. They all gathered behind the Tamsaba and followed him.

625 "As for policing, it was taken care of by village and canton chiefs, who arrested culprits with the help of their own followers, or, if necessary, by summoning the whole male population of the village."

11: Skinner E-5 (1955-1957) 1964
FA28 Mossi FA28



The Mogho Naba had an elaborate court composed of many officials, relatives, and servants. The most important courtiers were the five ministers, who appeared daily at court and took part in all important ceremonies in addition to administering their own provinces. Aside from these men, the Mogho Naba had a number of other officials called Naba whose responsibilities covered the full range of duties in the palace and in the capital. One of the most interesting was the Pwe Naba, a royal diviner and court chaperon. His chief duty was to guard the morals of the pages and the royal wives; he also administered the ordeal to persons accused of treason. The pages were required to be chaste until they were discharged from the palace, lest their amorous adventures lead them to compromise the virtue of the royal wives, with whom they were constantly in contact. A wife and a page suspected of adultery were tested by the Pwe Naba. He forced them to look into a mirror or a calabash of water, and declared them guilty or innocent according to the way their faces were reflected. If they were found guilty, the wife was executed and the page was either executed or discharged in disgrace. The Pwe Naba also saw to it that strangers did not address the ruler's wives either on the street or in the market. Offenders were executed.

The Dapore Naba served as the court's chief executioner and as head of a group of the Mogho Naba's hereditary serfs. Members of the royal clan were executed by strangulation, since royal blood could not be shed; all other persons were executed either with a sword, by hanging, or with heavy clubs. Another palace official was the Ouedrango Naba, the head groom. It was he who saddled and presented the king's ceremonial horse to him at the morning ceremony. The Kambo Naba commanded the palace guard; only he and his guards were permitted to carry guns. The Samande Naba and the Samande Nabila supervised the work of the samande-kamba, young men who worked around the palace courtyard and kept watch with heavy batons to enforce order during ceremonies. A lesser palace official was the Zusoaba Kasanga, who, as chief of the palace eunuchs, ruled over the guardians of the royal harem. The Gande Naba made sacrifices for the ruler and also distributed gifts from the king to the royal officials and the royal household.

Another courtier, and one who played an important role during the installation of the new ruler, was the Ouagadougou Naba. As a direct descendant of the Ninisi, he was all but indispensable at sacrifices propitiating or honoring his ancestors. The Bendere Naba was the chief musician and court historian; according to some reports, a Bendere Naba was killed instantly if he made a mistake while reciting the ruler's genealogy. The Raga Naba was chief of the markets in the capital. Under him were

11: Skinner E-5 (1955-1957) 1964
FA28 Mossi FA28

[P.78]

# V

## LAW AND THE JUDICIAL PROCESS

671 THE MOSSI possessed a comprehensive body of rules governing human conduct. These rules were well known to the people, and violators were punished by the responsible authorities. The Mossi might be said to have had substantive law, but they had no written codes. Nevertheless, the lack of written codes does not warrant Mangin's blanket criticism of Mossi judicial processes: "Of course, there was no written code, no formal scale of penalties. Everything depended on custom and on the whim of the judge. [662] Thus, the wealthy could obtain sentences in their favor by paying the judges, and thieves could avoid punishment by sharing their loot with the Naba."[1] Custom did dictate the penalties, just as "written custom" dictates penalties [692] in all written legal codes. But, as we shall see, the Mossi did have a known [695] scale of penalties. Moreover, a Mossi judge had to be careful in rendering judgment, because his decisions could be reviewed by a higher court.

596 The head of the Mossi extended family, the *Yirisoba,* was responsible for the everyday conduct of his charges. It was his duty to settle all family 681 quarrels, and to punish persons guilty of theft within the compound, disrespect toward elders, and incest. Punishment for the lesser wrongs included 596 reprimands and floggings. A person found guilty of disrespect to the elders 683 or of incest could be banished from the group. But banishment was so severe 684 that it was imposed only if the criminal refused to make the usual conciliatory gestures and was condemned by all the members of his boodoo. Even after this condemnation, however, he could ask a "sister's son," a yagenga, [613] to intercede for him. This man, the son of a female lineage member, had many privileges within his mother's brother's lineage, including the right to mediate between an exile and his boodoo.

593 Amicable relations within the family group were most often disrupted 586 by conjugal difficulties. A Mossi husband could occasionally flog an erring 613 wife, but he was not allowed to maltreat her. When a man became disgusted with his wife and wished to repudiate her, he put her water pots in the compound yard. This rather serious action often led to hostile relations

11: Skinner E-5 (1955-1957) 1964
FA28 Mossi FA28



between the lineages concerned. If either the repudiated woman or a member of her husband's lineage wished to initiate a reconciliation, she or he had to summon a yagenga. He alone was permitted to reconcile the couple after the pots had been placed in the courtyard. When a woman felt that she was being maltreated by her husband, she usually fled to her own patrilineage and waited for her husband's patrilineage—usually his brothers—to visit her male relatives and discuss the case. If the woman was judged guilty, she was reprimanded and sometimes flogged by her own relatives for causing trouble between the two lineages, and then sent home to her husband. However, if the man was found guilty, his wife was returned to him, but he was warned that he would forfeit all rights to her if he maltreated her again. A man who lost his wife through repeated maltreatment could not take the matter to court, because chiefs usually refused to deal with purely domestic issues. His only recourse was to induce one of his lineage brothers to recall a daughter who had married into his wife's lineage. This act was usually sufficient to bring about the reconciliation of the estranged couple before innocent persons were hurt.

The Mossi made every effort to solve minor problems without recourse to the chiefs. The local Boodkasemdamba and lineage elders adjudicated quarrels and simple offenses involving members of minimal segments in the various village saghse. They even tried to resolve difficulties between lineage members of larger segments who lived in different villages. The elders often imposed punishments such as reprimands, floggings, and even banishment. The convicted person did not usually appeal to the chief, because he knew that the chief would advise him to settle his problem within the family.

Unrelated villagers also tried to settle difficulties among themselves without appealing to the chief. For example, a man who was caught stealing could be beaten or even killed by his intended victims, and the chief did not punish them for their action. In many cases, villagers simply took the thief back to his relatives, knowing they would punish him. Occasionally, a family disgraced by a thieving member forced him to kill himself. When this happened the chief held an inquest but took no other action.

The Mossi gave a fairly simple explanation for returning a thief to his relatives for punishment. They said that every family had "weak" members, and that by not harming the captured thief they were only protecting themselves against retaliation if one of their own relatives should commit a similar crime. But a more important reason seems to have been their fear of starting a feud that might result in the premeditated murder of a man and the subsequent execution of his murderer.

The one crime that invoked terrible unofficial sanctions was rape. If the

11: Skinner E-5 (1955-1957) 1964
FA28 Mossi FA28



found to have been justified—that is, if the victim was a thief or a nocturnal intruder—then the accused was acquitted or simply fined. If, however, the accused was found guilty of murder, he was sentenced to die, and the mode of execution was at the chief's pleasure. The chief surrendered the prisoner to his executioners, serfs who lived in the Baglere ward. They took him into the woods and carried out the sentence by strangulation, hanging, decapitation, clubbing, or stoning.

The perpetrator of an unusually heinous crime was often ordered to kill himself with a poisoned arrow. This form of execution was feared most, because it tested the murderer's mettle and called into play the coercive force of his lineage if he proved to be a coward. When such an execution was ordered, the district chief had a poisoned arrow prepared and brought to the murderer's father, his brother, or his father's brother's son. The relative gave the arrow to the condemned man, and, while apologizing for his painful mission, explained that the crime had to be expiated. If the murderer agreed to kill himself, his relatives prepared food and drink for him while his grave was dug. Some proud and brave men helped their relatives dig the oblong-shaped grave required for a murderer; some even insisted on digging it themselves. When both the food and the grave had been prepared, the murderer bade his relatives farewell, took the food and the poisoned arrow, and went into a hut. Here he ate the food and afterward killed himself by pushing the poisoned arrow into his leg. In some cases he had to be provided with a second arrow to hasten his death. If a cowardly murderer refused to kill himself, one of his relatives offered to die in his stead. He told the murderer that death was preferable to the knowledge that his lineage brother was a coward. What would happen, he asked the murderer, if he saw a relative being harmed? Would he choose his own safety rather than run the risk of death? The other relatives asked the same questions, and this subtle coercion was usually sufficient to induce the most cowardly man to kill himself. There are no reports of a murderer's permitting a relative to die for him; life would have been impossible for him afterward. One suspects that if ever a murderer had attempted to elude his fate, the district chief would have had him executed.

The district court also prescribed capital punishment for individuals convicted of arson, abduction, witchcraft, or lese majesty. A person convicted of willfully setting fire to someone's hut or crops was put to death even if no one was killed in the resulting fire; he was held to have jeopardized the life and livelihood of his victims. Similarly, the rare person convicted of threatening the well-being of others through the practice of witchcraft was usually tortured and killed. Conviction usually followed the testimony of witnesses or the confession of the accused.

11: Skinner E-5 (1955-1957) 1964
FA28 Mossi FA28



The torture was seen as a punishment, and not as a form of ordeal to ascertain guilt or innocence. It was designed to cause the culprit as much suffering as possible before he died, and its harshness reflects the Mossi fear of witches and witchcraft. In one form of punishment called *koudgilga*, the culprit was sent to the smith, who tortured him by placing hot iron balls in both his hands. He was then beaten to death. Another type of punishment called *swengalenga* was more painful. A pottery jar from which the bottom had been removed was heated in a fire. Then it was placed over the head of the convicted witch and allowed to burn its way down onto his shoulders. The culprit was subsequently killed. Sometimes a convicted witch was not killed; instead, a man was sent to Ouagadougou to be castrated and sold as a eunuch, and a woman was sold outside the country as a slave.

Gross disrespect toward the chief and crimes of lese majesty were uncommon among the Mossi. These crimes were usually committed by persons who came into close contact with the chief—nobles and court retainers—rather than by commoners, serfs, or slaves. The most common form of lese majesty was adultery with one of the district chief's wives. The penalty for this was death for both violators. Anyone who dared insult the district chief at court was seized and executed. The same fate awaited those who talked about him maliciously in public or threatened to stir a rebellion against him. If the culprits were commoners, they were executed; if they were nobles, they were strangled in secret or were forced to commit suicide.

The district chief was caught in a dilemma whenever nobles committed major crimes or unlawful acts. They could not be imprisoned, and only the Mogho Naba had the legal prerogative to execute them. When a noble committed a major crime such as treason or rebellion, he was sent to the capital to be executed by slaves, who strangled him with a piece of cotton cloth. However, no district chief could allow the nobles to commit crimes with impunity, secure in the knowledge that they could only be punished at Ouagadougou. If a nobleman subverted the chief's rule by repeated acts of cruelty and brigandage, he was executed, although illegally. The executioners were the Baglere Naba and the Dapore Naba. These two men secretly visited the condemned noble, taking with them a bundle as a present from the chief. This bundle contained a new white robe in which were secreted a chief's bonnet and a poisoned arrow. As soon as the noble saw the gift, he knew that he was being ordered to kill himself. If he attempted to raise an alarm or run away, he was instantly strangled and his body was discarded in the bush. If he accepted the sentence, he was allowed to have food prepared, to eat, and then to kill himself. The chief ordered an elaborate funeral for his kinsman as though he had died an ordinary death. Thus, he was able to observe all the proprieties while at the same

11: Skinner E-5 (1955-1957) 1964
FA28 Mossi FA28

 695

litigants when it would be heard. On the day set he took his charges to court, where they waited in the company of the litigants from other districts and from the wards of the capital itself. 643 692 634

The procedure of the Mogho Naba's court differed little from that of the district chief's court. When called upon, the litigant stated his case, called witnesses, and underwent cross-examination by his opponents and by ministers of the Mogho Naba. The litigants were not allowed to look at the Mogho Naba while they spoke, but had to kneel forward on the ground with their faces turned away from him. The Mogho Naba himself seldom looked at the litigants and rarely questioned them. When presented with a complex case, the Mogho Naba, like the district chief, retired with his councillors and canvassed their opinion in order "to ascertain whether or not their verdicts were similar to his own." Nevertheless, he could not follow their advice. He had to make up his own mind, and when he returned to court he rendered his verdict, which could not be appealed. If those who received an unfavorable verdict showed any displeasure, they were taken outside by the palace guards and executed.

The penalties imposed by the Ouagadougou court were usually more severe than those handed down at the district level. The main reason for this was that aside from cases involving residents of Ouagadougou, the lawsuits tried by the Mogho Naba were serious ones and often had been sent to him on appeal. Moreover, the Mogho Naba's court was alone empowered to impose the death penalty within the kingdom of Ouagadougou. It should be noted here once more that district chiefs often executed criminals. But it should also be reiterated that the Mogho Naba never surrendered his prerogative to the district chiefs. They simply usurped it, and if they used it judiciously they were not penalized. [681]

Those nobles and commoners who were convicted for serious crimes at the monarch's court were killed by the royal executioners. Moreover, in contrast to the procedure at the district court, the criminal's property was often seized before his execution. The reason for this is not clear, but it was probably related to the lack of a personal relationship between the court and the relatives of the accused, which enabled the Mogho Naba to impose a harsher penalty. The district chief, it must be remembered, lived in close association with his people and was influenced in his behavior by social relationships. Interestingly enough, the Mogho Naba did not keep the goods seized, but allowed them to be distributed among his executioners. 643 696 692 634

Crimes against the person or office of the Mogho Naba were punished with greater severity than crimes against the district chief. Any man who was seen speaking to one of the ruler's wives and who did not happen to [687]

11: Skinner E-5 (1955-1957) 1964
FA28 Mossi FA28



15. *Ibid.*, p. 673.
16. Delafosse, II, 128–29.
17. Binger, II, 502.
18. Crozat, p. 4849.
19. *Ibid.*, p. 4822.
20. The structure of the Mossi kingdoms and their relationship with the autonomous principalities make it difficult to determine the exact number of districts within each unit. For example, the Mossi people always claimed that the Mogho Naba of Ouagadougou was sovereign over "333" chiefs (cf. Binger, I, 502). However, since the Mossi always associate the number 3 with males, any number giving a multiple of threes is suspect. Binger stated that some of the chiefs referred to as part of the 333 were no more than village chiefs. However, Tauxier (*Le Noir du Soudan*, p. 567), describing the kingdom of Ouagadougou, states, "At the top of this hierarchy is the king, the Mogho Naba, paramount chief of the Mossi, residing at Ouagadougou. To give at least an idea of the relative importance of this empire, without going further than, say, the cercle of Ouagadougou, there were eight provinces comprising 300 *cantons* [districts], 5,000 villages or small towns, and 861,700 inhabitants."
While voicing the myth that the Mogho Naba had "under his control 333 chiefs or Nabas," Dim Delobson actually gives only about 150 chiefs in his list of district and other chiefs (pp. 46, 288–97). It was impossible for me to get any idea of the number of chiefs, because the Mossi hierarchy has changed radically since 1905.
21. Dim Delobson, p. 63.
22. Cheron, "Contribution," p. 651.
23. The Mossi did not acknowledge the defeat of Mogho Naba Wobogo by the French until the Ouidi Naba surrendered to the invaders and installed a ruler they had chosen.
24. Archives, Document 1G-334. Lambert describes Karfo as "a curious figure who unfortunately is not well known."
25. Binger, I, 465.
26. Dim Delobson, pp. 15–45, *passim*.
27. It appears that the monarchs found fault with their district chiefs most readily when they had sons or other relatives in need of districts to govern. Since a possessor of the nam could not be deprived of it while alive, he had to be accused of some crime and executed. Koabga was replaced as Doulougou Naba by Lassanne Congo (called Naba Kouliga), a son of the Mogho Naba. On the other hand, when Naba Pusha of Nobere district fled rather than commit suicide or start a civil war, he was replaced by his own brother, who became Naba Soulougou.
28. Dim Delobson, p. 44.
29. Cheron, "Contribution," p. 655.

## CHAPTER FIVE

1. Mangin, p. 25.
2. Mangin does not discuss rape, but reported that an "abductor" was beaten and put in irons. The girl was returned to her family, and if she gave birth to a child, it was killed (pp. 26–27).
3. Dim Delobson, p. 55.
4. Most of my informants state quite clearly that the district chiefs did not have the right to impose the death penalty, but could do so if they were discreet about it and did not take advantage of their subjects. But Dim Delobson states: "Contrary to what people generally believe, the Kombere—the chief of the *canton* [district]—also had the power of life and death over his subjects. How many persons have been put to death only because they were wealthy? How many village chiefs have been killed by the district chiefs in their territories without the Mogho Naba's intervention?" (pp. 55–56).
5. Dim Delobson (p. 56) insists that justice was free of charge, but added that